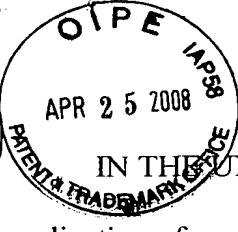


TSB



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Gustav ADLHOCH et al

Confirmation No. 4893

Serial No. 10/582,352

Attention:

Based on PCT/EP 2005/008516

**Anthony Smith/Attorney Advisor
PCT Legal Administration**

Docket No.: (06:73)

RENEWED PETITION UNDER 37 CFR 1.47(a)

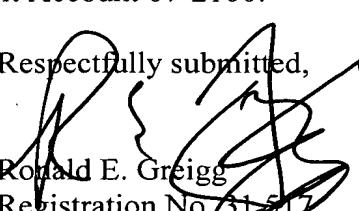
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Decision on Petition dated January 25, 2008, copy attached, please find enclosed:

- 1) Copy of Decision on Petition dated January 25, 2008
- 2) Petition for One-Month Extension of Time
- 3) Statement of Facts Regarding Refusal to Sign
of Wolfgang Grill
- 4) Declaration by Jan McLin Clayberg

The Commissioner is hereby authorized to charge payment of any fees/or all fees associated with this communication to Deposit Account 07-2100.

Respectfully submitted,

Ronald E. Greigg
Registration No. 71517
Attorney of Record

Date: 25 April 2008

GREIGG & GREIGG PLLC
1423 Powhatan Street, Unit One
Alexandria, VA 22314

Telephone: (703) 838-5500
Facsimile: (703) 838-5554
Customer No. 02119



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

25 JAN 2008

Ronald E. Greigg
Greigg & Greigg P.L.L.C.
1423 Powhatan Street, Unit One
Alexandria, VA 22314

In re Application of
ADLHOCH et al.
U.S. Application No. 10/582,352
PCT No.: PCT/EP05/08516
Int. Filing Date: 05 August 2005
Priority Date: 09 August 2004
Attorney Docket No.: (06:73)
For: METHOD FOR DETERMINATION OF
THE PRESTRESSING FORCE OF
CONNECTING COMPONENTS BY
ULTRASOUND EXCITATION

DECISION ON PETITION

DOCKETED

BY _____ ON _____
BY NC ON 1/29/08
DUE DATE March 25, 2008
CALL UP _____

This decision is issued in response to applicants' Petition under 37 CFR 1.47(a) filed 09 January 2008 to accept the application without the signature of joint-inventor, Wolfgang Grill.

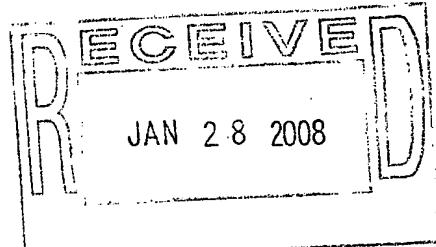
BACKGROUND

On 05 August 2005, applicants filed international application PCT/EP05/08516 which claimed a priority date of 09 August 2004. Pursuant to 37 CFR 1.495, the period for paying the basic national fee in the United States expired 30 months from the priority date, 09 June 2006.

On 09 June 2006, applicants filed a transmittal letter for entry into the national stage in the United States, which accompanied by, inter alia: the requisite basic national fee as required by 35 U.S.C. 371(c)(1); a copy of the international application; and an application data sheet.

On 16 October 2007, the United States Designated/Elected Office mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) must be filed. The notification set a two-month time limit in which to respond.

On 09 January 2008, applicants filed the present petition under 37 CFR 1.47(a).



DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17, (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and behalf of the nonsigning joint inventor. Applicants have satisfied Item (1), (3) and (4).

Regarding item (2), MPEP section 409.03(d) states that “[a] copy of the application papers should be sent to the last known address of the nonsigning inventor, or, if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney.” The MPEP also states the following:

Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted.

Here, applicants have not provided a firsthand statement, with supporting documentary evidence, confirming that a request for signature, with a copy of the complete application, was forwarded to the non-signing inventor. Applicants must provide such evidence before it can be concluded that the non-signing inventor has refused to execute the declaration in the present application. Based on the above, item (2) is not satisfied.

Where a refusal of the inventor to sign the application papers is alleged, a statement of facts is needed from a person having first hand knowledge of the facts that a complete copy of the application papers (specification, claims, drawings, and oath/declaration) were sent to Wolfgang Grill, and when such papers were sent. In addition, copies of documentary evidence such as a certified mail return receipt, cover letter of instruction, telegrams, etc., should be supplied with the declaration.

For the reasons stated above, it would not be appropriate to accept the application without the signature of Wolfgang Grill under 37 CFR 1.47(a) at this time.

CONCLUSION

The petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTH** from the mail date of this decision. Any reconsideration

Application No. 10/582,352

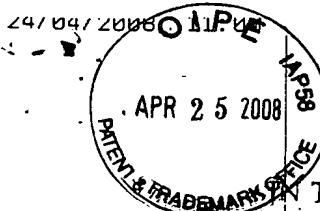
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request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." No additional petition fee is required.

Any further correspondence with respect to this matter should be addressed to: Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Anthony Smith

Anthony Smith
Attorney-Advisor
Office PCT Legal Administration
Tel.: 571-272-3298
Facsimile: 571-273-0459



THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:
Gustav ADLHOCH et al.
Serial No. 10/582,352
Based on PCT/EP 2005/008516
Docket No.: (06:73)

Attention: MAIL STOP PCT
PCT INTERNATIONAL DIVISION

STATEMENT OF FACTS REGARDING REFUSAL TO SIGN OF WOLFGANG GRILL

Commissioner of Patents and Trademarks
P.O. Box 1450
Alexandria, VA 223 13-1450

Sir:

The following Statement of Facts regarding the refusal to sign of Wolfgang Grill is being made by the person having first-hand knowledge of the facts recited herein:

I, WOLFGANG HÖRSCHLER, the Patent Attorney (title) of _____, have personal knowledge of the following facts:

Wolfgang Grill, the second named inventor of the above-identified application, whose last known address is Linnestrasse 5, Leipzig, Germany, has refused to sign the Declaration/Power of Attorney which was presented to him with the above identified application.

1. The above-identified application, containing the specification, claims, abstract and drawings, together with the Declaration and Power of Attorney was presented to him by Telephone Cell on the date of January 24, 2007 [Identify all efforts to get him to sign whether in person or by mail chronologically in similar manner]

2. Mr. Wolfgang Grill had been under contract as an outsourcing person to do development and research work for the applicant, PFW Technologies GmbH.

3. During the years 2004 and 2005, the relationship between the applicant and Mr. Wolfgang Grill deteriorated until there was a separation between them.

4. I, Wolfgang Hörschler, did personally contact Mr. Wolfgang Grill via telephone on January 24, 2007, and he has absolutely refused to sign the Declaration/Power of Attorney as well as the Assignment of the invention to PFW Technologies GmbH. He refused to be contacted on behalf of the applicant PFW Technologies
and he not were sent to him, after he shouted at me at the
phone and refused any further cooperation.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that the statements were made with the knowledge that willful false statements and like so made were punishable by fine or imprisonment under the provision of 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,

Robert A. Horney
(Signature)

ROBERT A. HORNBY
(Printed Name)

Attorney
(Title)

Date: April 24, 2008